

REMARKS

Reconsideration and allowance of pending **Claims 1-10 and 20 and new Claims 32 and 33** are respectfully requested.

Claims 12-28, 30, and 31 were previously withdrawn.

Claim 11 is currently canceled without prejudice or disclaimer. Accordingly, it is respectfully requested that the corresponding objection under **37 CFR 1.75(c)** be withdrawn.

Claim 29 has been amended to more clearly attribute the system recited thereby to a computer-readable medium. Therefore, it is respectfully requested that the rejection under **35 U.S.C. §112, second paragraph**, be withdrawn.

Claims 1-11 and 29 were rejected under **35 U.S.C. §101** as being directed to non-statutory subject matter. Without acquiescing to the reasoning behind the rejection, but rather in an effort to expedite the prosecution of the present application, independent Claims 1 and 29 are currently amended to further recite the “output result” as including “that includes probability information associated with the output result.” Thus, the claims clearly recite a tangible output, and therefore recite patentable subject matter. At least in view of the current amendments, therefore, it is respectfully requested that the rejection under 35 U.S.C. §101 be withdrawn.

Claims 1-7, 11, and 29 were rejected under **35 U.S.C. §103(a)** as being unpatentable over Hunter, *et al.*, (U.S. Application 2004/0064357; hereafter “Hunter”) in view of Kakourous *et al.*, (U.S. Application 2004/0088211; hereafter “Kakorous”). Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

Hunter describes a system and method for increasing the accuracy of forecasted consumer interest in products and services by which:

[0030] ...a data comparator/predictor computer 160 compares the forecasted consumer purchasing behavioral data for the “similar” products/services with the actual consumer purchasing behavioral data compiled by the data collection computer/database 150 (see FIG. 2, block 54). The data comparator/predictor/computer 160 uses the result of the comparison to generate a correction factor indicating the difference or “spread” (divergence) between forecasted and actual consumer purchasing behavioral data for “similar” products with respect to which it is possible to measure actual consumer purchasing behavior (FIG. 2, block 56).

On the other hand, the method of Claim 1 recites, in part:

performing a trending operation using trending logic provided by the electronic data processing apparatus to derive a standardized score that pertains to a variance of the predicted value with respect to other predicted values generated using the model in a specified time interval;

and the system of Claim 29 recites, in part:

trending logic to derive a standardized score that pertains to a variance of the computed predicted value with respect to other predicted values computed by the computation model in a specified time interval

With regard to the above cited portion of Hunter and presently rejected Claims 1 and 29, Applicant respectfully disagrees with the assertion set forth on page 6 of the Office Action that attempts to correlate (1) forecasted consumer purchasing behavior described by Hunter to the claimed first predicated value and, in particular, (2) actual consumer purchasing behavior for a similar product described by Hunter to the claimed “other predicted values.” Applicant respectfully submits that Hunter does not disclose, or even suggest, the claimed trending operation; in particular, Hunter fails to teach or even suggest deriving a standardized score that pertains to a variance of a predicted value with respect to other predicted values in a specified time interval. To further emphasize that

distinction, Claims 1 and 29 have been amended to recite that the “other predicted values” to which the variance for the standardized score pertains are also generated by the model by which the first predicted value is generated. Applicant submits that Katkourous fails to compensate this deficiency of Hunter, with respect to Claims 1 and 29, nor is any assertion to that effect made in the rejection.

Claim 1 further recites, in part:

performing a de-trending operation using de-trending logic provided by the electronic data processing apparatus to reduce the error in the predicted value based on the standardized score calculated in the trending logic and a consideration of actual values associated with the specified time interval;

and Claim 29 recites, in part:

de-trending logic coupled to the trending logic to:
reduce the error in the predicted value based on the standardized score and a consideration of actual values associated with the specified time interval.

Applicant respectfully submits that the correction factor described by Hunter fails to teach or suggest the presently claimed “de-trending” because Hunter describes the comparison of a predicted value with an actual value related to a similar product; conversely, pending independent Claims 1 and 29 recite the de-trending based on the standardized score and actual values associated with the specified time interval.

Thus, the failure of both Hunter and Katkourous to teach or even suggest the claimed standardized score pertaining to a variance of a predicted value with respect to other predicted values, all generated by a same computation model, renders independent Claims 1 and 29 unobvious over the proposed combination of references. That is, even if the forecasting windows taught by Kakourous were applied to the predictions disclosed by Hunter, as suggested on page 7 of the Office Action, there would still be no teaching or

suggestion of the presently claimed de-trending based on the standardized score and actual values associated with the specified time interval. Therefore, there would have been no motivation for one of ordinary skill to combine the references.

Claims 2-7 and 11 depend from Claim 1, and are therefore distinguishable over Hunter and Katkourous for at least the reasons set forth above. Similarly, new Claims 30-32 depend from Claim 29, and are similarly distinguishable over Hunter and Katkourous.

For at least the reasons set forth above, it is respectfully submitted that the rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

Claims 8-10 were rejected under **35 U.S.C. §103(a)** as being unpatentable over Hunter in view of Kakourous and Shike *et al.*, (U.S. Application 2004/0054600; hereafter “Shike”). Applicant respectfully traverses this rejection as well, and further requests that this rejection also be reconsidered and withdrawn.

Claims 8-10 depend, ultimately, from Claim 1, which has been distinguished from both Hunter and Kakourous for at least the aforementioned reasons. Thus, the arguments set forth above regarding Claim 1 are applicable to this rejection.

More particularly, neither Hunter nor Katkourous teach or suggest the claimed standardized score pertaining to a variance of a predicted value with respect to other predicted values, all generated by a same computation model, as recited in Claim 1. Further, Shike does not compensate for such deficiencies, nor is there any assertion to that effect in the rejection.

Accordingly, for at least the reasons set forth above distinguishing independent Claim 1 from Hunter, Katkourous, and Shike, it is respectfully submitted that the rejection of dependent Claims 8-10 under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is now condition for allowance, and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Applicant respectfully notes that not all of the references cited in the Information Disclosure Statement of August 21, 2007 have been acknowledged. A courtesy copy of the Information Disclosure Statement is attached, and formal acknowledgment thereof is respectfully requested.

Respectfully Submitted,

Dated: August 12, 2008

By: _____

David S. Lee
David S. Lee
Lee & Hayes, PLLC
Reg. No. 38222
(206) 315-7912

Attachment: Copy of Information Disclosure Statement filed Aug 21, 2007